Application Number	Re		pplicant(s)/Patent eexamination GORDY ET AL.	under						
Document Code - DISQ		Internal Do	cument – DO NOT MAIL							
	-									
TERMINAL DISCLAIMER	☑ APPROVED		□ DISAPPROVED							
Date Filed : October 18, 2007	to a Te	t is subject erminal aimer								
Approved/Disapproved b	y:									
Henry D. Jefferson										

Application/Control No.

Applicant(s)/Patent under Reexamination

U.S. Patent and Trademark Office

## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			29-Oct-07		APPL. S. N:	10776579					
To Exam	iner:		HO, DUC C.		Art Unit	2616					
From			Logan, Rugenia PARALEGAL SPCECIALIST	г	Return This Memo To: Case Drop-Off Location	JEF-2D68					
SUBJEC	SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:										
form par or have a	agraphs i any quest	dentified by ions, please	this informal memo in your see me or the Special Progr	next O	ffice action to notify applicant of aminer. THIS IS AN INFORMAL,	gree, please use the appropriate the T.D. If you disagree INTERNAL MEMO ONLY. ILE. When your action is complete,					
please in	please initial, date and return this memo to me. THANK YOU.										
v	The T.D. is PROPER and has been recorded (see 14.23).										
Γ-	The T.D.	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):									
	E.	The TD fee	of has not been su	bmitte	d nor is there any authorization	in the application file for the					
	D	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).									
	$\Box$	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).									
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).									
		The person who signed the T.D.:									
		☐ is	not an attorney "of record"	(see 14	1.29 and 14.29.01).						
		□ h	as failed to state his/her cap	acity to	sign for the business entity (se	e 14.28).					
		is is	not recognized as an officer	of the	assignee (see 14.29 & possible	14.29.02).					
		nor is the r (see 37 CF	eel and frame number specif R 3.73(b) and 1140 O.G. 72	fied as ). NOTE	om the original inventor(s) to as to where such evidence is record E: This documentary evidence or a separate paper of record in the	ded in the Office the specifying of the reel and					
		The T.D. is	not signed (see 14.26 & 14.	26.03)							
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).									
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).									
	$\Gamma$	The period	disclaimed is incorrect or no	t speci	fied (see 14.26, 14.27.02 or 14.	26.03).					
		Other:									
		Suggestion and do not	to request refund (see 14.3 check this item.	6). NO	TE: If already authorized, credit	refund to deposit account					
I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.											
Ex.Initial	s:	D	ate:			Log Date:					

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Stephen C. Gordy et al.	· ·
Serial No.: 10/776,579	) Art Uni ) 2616
Filed: February 11, 2004	)
For: NETWORK TAP WITH INTEGRATED CIRCUITRY	)
Confirmation No.: 3034	) .
Customer No.: 022913	).
Examiner: Duc Chi Ho	) .

## TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

The Owners, Finisar Corporation, having 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. U.S. 6,898,632 and prior patent application No. 10/735,417 and as the term is defined in 35 U.S.C. 154 and 173, and as the term of said prior patents are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This Agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patents**, "as the term of said **prior patents** is presently shortened by any terminal disclaimer," in the event that said **prior patents** later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 18th day of October, 2007.

Respectfully submitted,

ERIC L. MASCHOFF Registration No. 36,596

Shane & Jersen

SHANE K. JENSEN Registration No. 55,301 Attorneys for Applicants Customer No. 022913 Telephone: (801) 533-9800

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